

EXHIBIT E

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

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PEOPLE OF THE STATE OF NEW YORK, by
LETITIA JAMES, Attorney General of the
State of New York,

Petitioner,

Index No. 451685/20

-against-

Motion Seq. No.: 007

THE TRUMP ORGANIZATION, INC.,
DJT HOLDINGS LLC, DJT HOLDINGS MANAGING
MEMBER LLC, SEVEN SPRINGS LLC,
ERIC TRUMP, CHARLES MARTABANO,
MORGAN, LEWIS & BOCKIUS, LLP, and
SHERI DILLON,

Respondents.

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**MEMORANDUM OF LAW IN OPPOSITION TO
THE OFFICE OF THE ATTORNEY GENERAL'S MOTION
FOR LEAVE TO REARGUE**

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logs that ‘an engineering consultant qualifies as a privileged agent under *Spicer v GardaWorld Consulting (UK) Ltd.*, 181 A.D.3d 413 (1st Dep’t 2020).’” *NYSCEF Doc. No. 286 at 1*. Far from “rubber-stamping” TTO’s privilege assertions, this Court (as did the court in *Spicer*) combed through hundreds of documents, many of which involved Mr. Mastromonaco’s communications. The Court’s careful and thoughtful analysis of privilege on a document-by-document basis is reflected in its singular rulings on each of the 824 documents listed on the privilege logs. In fact, the Court did order TTO to produce 11 communications involving Mr. Mastromonaco relating to the communication of purely engineering and business information, which the Court deemed to be non-privileged.³

The Court properly drew the line at, and protected from disclosure, communications in which Mr. Mastromonaco overtly assisted Mr. Martabano in providing legal advice to TTO. It is obvious, based on the face of each privileged document, that Mr. Mastromonaco was serving as an adjunct to counsel and his presence and involvement in the communication was necessary to facilitate communications between Mr. Martabano and TTO and/or for Mr. Martabano to understand details and information concerning complex land use and other regulations in order to formulate legal strategies and provide legal advice to TTO.⁴ Such communications -- very similar to other communications involving accountants and other experts that courts have held necessary to the provision of legal services -- fall squarely under the *Kovel* doctrine. *See, e.g., United States v. Kovel*, 296 F.2d 918, 922 (2d Cir. 1961) (privilege extended to communications

³ *See e.g., October 16 Court rulings on the TTO Privilege Log at entries NYAGREV00049786, 00049790, 00049793, 00049853, 00049854, 00049856, 00049859, 00049866, 00049869, 00049897, and 00049917.*

⁴ It is ironic that in the instant motion the OAG now takes the position that Mr. Mastromonaco’s assistance to Mr. Martabano was not necessary because Mr. Martabano was *an experienced land-use attorney*. (*NYSCEF Doc. No. 286 at 2*). In its underlying compel application, however, the OAG minimized Mr. Martabano’s role, going so far as to assert that Mr. Martabano was “essentially acting as a lobbyist.” *NYSCEF Doc. No. 13 at 41*.

/s/ *Amy Carlin*

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